

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.994 of 2018

Arising Out of PS. Case No.-1395 Year-2014 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

Md. Inteshar @ Imteyaz, son of Late Md. Shah, resident of Village- Bhalahi,
Police Station- Kaluahi, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Jamal Aara @ Rafat Khatoon wife of Md. Inteshar @ Imteyaz, Resident of Village- Panchbati Chowk, Rasul Colony Bhowara, P.S.- Madhubani, District- Madhubani.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.
For the Respondent/s : Mr. Anand Mohan Prasad Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-08-2022

I.A. No. 2470 of 2018

Heard learned counsel for the petitioner and learned
APP for the State.

This interlocutory application has been filed seeking condonation of delay for one year seven months four days. By the impugned order, the learned appellate court has affirmed the interim order passed by learned Judicial Magistrate under Section 23 of the Domestic Violence Act, 2005. The learned Magistrate having noticed the complaint of the petitioner saying that her electricity and water connection in the shared household have been cut off, directed the Protection Officer to visit the shared household of the complainant and directed that in case the complaint of the petitioner is found to be correct in course of



his inspection, all the facilities shall be restored in the shared household.

In the interlocutory application, a statement has been made that the delay is of about one year which is not correct. It is more than one year 7 months. In paragraph '3' of the application, it is stated that the petitioner obtained certified copy of the order of the appellate court on 05.08.2017 and then he went outside the State for a necessary work. He came back in the month of July and thereafter handed over the brief to his counsel for taking necessary legal recourse.

It is evident from the materials on the record that for about 6 months the petitioner did not apply for obtaining the certified copy of the appellate order. He made an application for the same only on 28.07.2017, received the certified copy on 05.08.2017 but thereafter did not take any step for filing of this revision application. A completely vague statement has been made in the petition seeking condonation of delay that he had gone outside the State for a necessary work. Such bald statement does not explain the huge delay and laches on the part of the petitioner.

Moreover, this Court has also looked into the impugned orders and finds that the learned Magistrate has



passed a completely innocuous kind of order directing the Protection Officer to visit the shared household of the complainant and in case, it is found that her complaint is correct then all facilities which are essential for living in the shared household would be restored. The complaint was that her water and electricity connections have been cut off.

Considering the entirety of the facts and circumstances of the case and the reasons shown in the application seeking condonation of delay, this Court finds that those are not plausible much less sufficient grounds for condonation of delay.

The interlocutory application is, thus, dismissed. As a result thereof, the revision application fails.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U			
---	--	--	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

